UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

SHERNARD C. STEWART,)	
Plaintiff,)	
riamum,)	
V.)	
)	
MOCCASIN BEND MENTAL HOSPITAL,)	Case No. 1:07-cv-305
CYNTHIA HONEYCUTT, NANCY HOOPER,)	Magistrate Judge Carter
CHARLYNNE PARSON, ROB CATHERMAN,)	
JANET WILLIAMS, ABIGAIL HAMMONDS,)	
WILLIAM VENTRESS, HOLLY METCALF,)	
TERRY JONES, DOUGLAS BENNETT,)	
SONNY SLATER, SCOTT LINDSAY)	
)	
Defendants.)	

MEMORANDUM and ORDER

On September 30, 2010, following a two day bench trial, the Court entered judgment in favor of defendants and dismissing all plaintiff's claims. Plaintiff Shernard Stewart timely filed a motion seeking a new trial on October 13, 2010. [Doc. 197]. Plaintiff now asks for a jury trial.

"A motion for a new trial in a nonjury case ... should be based upon manifest error of law or mistake of fact, and a judgment should not be set aside except for substantial reasons." 11 CHARLES ALAN WRIGHT AND ARTHUS R. MILLER & MARY KAY KANE, 11 FEDERAL PRACTICE AND PROCEDURE CIV § 2804 (2d ed. 2010). Plaintiff does not argue the Court made a manifest error of law. Rather, plaintiff appears to argue the Court made a error of fact on the ground that the evidence does not support the Court's decision. Plaintiff's motion is a recitation of the arguments he made at trial. Following the close of evidence at trial, the Court stated on the record the basis for it decision, and the Court sees nothing in plaintiff's motion to persuade the

¹Pursuant to Fed. R. Civ. P. 52(a)(1), the Court entered its findings of fact and conclusions of law on the record after the close of evidence. See Rule 52(a)(1) ("The findings

Court that the original decision was erroneous. Substantial reasons to set aside the judgment are lacking. Consequently, plaintiff's motion for a new trial is DENIED.

SO ORDERED.

Milliam B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE

and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court.")